

PATENT

DOCKET NO.: UBCV-0006/01-010
Application No.: 10/039,760

REMARKS

Applicants acknowledge with appreciation the time and courtesies extended by the examiner toward applicants' representative during the June 19, 2007 telephone interview conducted with applicants' representative.

As requested by the examiner, applicants' representative submits this Supplemental Reply Pursuant to 37 C.F.R. § 1.111 to address a typographical error that was found after applicants representative received the Notice of Allowance from the examiner.

Applicants corrected the obvious typographical errors in the specification and claims in the April 10, 2007 Preliminary Amendment that was filed concurrently with a Request for Continued Examination (RCE). The amendments do not constitute new matter.

Applicants determined that the chemical formula for sodium bicarbonate had a typographical error when listed in the specification and claims. The chemical formula for sodium bicarbonate was listed as "NaHCO₂" while the correct chemical formula should be "NaHCO₃". This is an obvious error.

The correction is readily apparent to one of skill in the art because "NaHCO₂" does not exist in nature. One of skill in the art would appreciate that the chemical formula for sodium bicarbonate, "NaHCO₃", is a standard reagent used in media for growing microbial cells as well as most cells in culture media. The following references support these statements:

For example, Dulbecco's Modified Eagle's Medium (DMEM) is a standard cell culture medium used by one of skill in the art. DMEM contains sodium bicarbonate, NaHCO₃, not NaHCO₂ (see HyClone technical documentation for DMEM; http://www.hyclone.com/media/formulations/DMEM_HIGH_LM.htm, DMEM/High

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formulations, DMEM catalog number: SH30243.01: attached as Exhibit A; see also
Invitrogen technical resources – media formulations, for Dulbecco's Modified Eagle Medium
(D-MEM) (1X) liquid (low glucose), catalog number 11885076, www.invitrogen.com;
attached as Exhibit B).

In addition, applicants' representative submits herewith DeVinney *et al.* which
describes EHEC media conditions with the chemical formula for sodium bicarbonate as
NaHCO₃, not NaHCO₂ (DeVinney *et al.*, 1999, *Infection and Immunity* 67:2389-2398; see
the "Materials and Methods" section under the subsection title 'EHEC and EPEC protein
secretion,' at page 2390, first column; submitted as Exhibit C).

For at least these reasons, applicants submit that the typographical error was an
obvious error; the correction is readily apparent to one of skill in the art; and the exhibits
supplied herewith support these statements.

The foregoing represents a *bona fide* attempt to advance the present case to
allowance. Applicants submit that this application is now in condition for allowance.

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CONCLUSIONS

Applicants respectfully request:

- (1) entry of the amendments to the specification and claims as filed with the April 10, 2007 Preliminary Amendment;
- (2) reconsideration of the application and claims based on the foregoing remarks and April 10, 2007 amendments; and
- (3) allowance of pending claims 33 to 116.

If the examiner is of a contrary view, the examiner is requested to contact the undersigned attorney at (206) 332-1396.

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/Andrew T. Serafini/
Andrew T. Serafini
Registration No. 41,303

Woodcock Washburn LLP
Cira Centre
2929 Arch Street, 12th Floor
Philadelphia, PA 19104-2891
Telephone: (215) 568-3100
Facsimile: (215) 568-3439